# Filed Sub-bidder Requirements

## A Filed Sub-bidder is a Subcontractor, and in some cases a General Contractor electing to bid in a Subcontractor capacity, which is evidently qualified to bid on a defined portion of the proposed project.

## Each Filed Sub-bidder is responsible for all necessary familiarity with all relevant portions of the Bid Documents. Failure of the Filed Sub-bidder to acknowledge Addenda, for example, may result in disqualification of the Filed Sub-bid.

## A Filed Sub-bidder may need to meet certain qualifications as a prerequisite to bidding.

## By submitting a bid the Filed Sub-bidder attests that they have not been declared ineligible to bid on State of Maine projects. The Director of the Bureau of General Services may disallow award of this contract to any Filed Sub-bidder if there is evidence that they, through their own fault, have been terminated, suspended for cause, debarred from bidding, agreed to refrain from bidding as part of a settlement, or has defaulted on a contract or had a contract completed by another party.

## The Filed Sub-bidder attests that it is not presently indicted for or otherwise criminally or civilly charged by a Federal, State or local government entity with commission of any of the following offenses and has not within a three-year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction, or contract under a public transaction, violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

## The Filed Sub-bidder shall not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs or State of Maine projects.

# Description of the Bid Depository

## The Maine Construction Bid Depository (Bid Depository) is operated and managed by the Associated General Contractors of Maine (AGC Maine). The Bid Depository is located at the office of the Associated General Contractors of Maine, 188 Whitten Road, Augusta, Maine 04430, telephone 207-622-4741.

## The Bid Depository is a system that maintains a high quality of bidding practices by documenting the receipt of Subcontractor sealed bid envelopes at a particular place, date and time prior to the submission of General Contractor bids to an Owner for a particular project. The bid envelopes are logged in and safeguarded, unopened, then distributed to the appropriate General Contractors and the Owner.

## Filed sub-bids from major Subcontractors allow the General Contractor an ample period of time to compile bids in a complete and accurate manner prior to the Contractor bid closing date. The intent of this system is to protect the best interests of Owners, General Contractors, Subcontractors, Architects and Engineers.

# The Maine Construction Bid Depository Advisory Committee

## The Maine Construction Bid Depository Advisory Committee (Advisory Committee) is maintained to provide Owners advice and counsel concerning the administration of the bid depository filed bid system.

## The Advisory Committee consists of two Architects, two Engineers, two Subcontractors and two General Contractors selected by the AGC Maine Building Committee, in consultation with the Maine chapters of the American Institute of Architects (AIA), American Council of Engineering Companies (ACEC), and Associated Builders and Contractors (ABC). Additionally, two at-large members are selected by the Advisory Committee.

## Meetings of the Advisory Committee shall be called as necessary by AGC Maine, acting as secretariat, or by a quorum of the committee membership. A quorum consists of any three members of the committee.

## If an aggrieved party believes the Bid Depository procedures were violated, they may request an opinion from the Advisory Committee. Formal complaints concerning the administration of the filed bid system must be submitted in writing to the Owner, with a copy of the complaint submitted to the Architect. Upon receipt of the complaint, the Owner should seek advice and counsel from the Bid Depository Advisory Committee before responding to the complaint.

# Owner's Use of the Bid Depository

## The Owner shall determine if the Filed Sub-bid process will be employed in the project.

## The Owner shall determine which sections will be designated for each distinct Filed Sub-bid.

## The fee for the use of the Bid Depository is paid by the Owner.

# Submitting Filed Sub-bids

## Each bid should be placed in official envelopes provided by the Bid Depository and on official forms obtained from the Bid Depository or Architect.

## Three types of official envelopes should be used.

### A sealed large *white* envelope containing the following small pink and green envelopes, and a bid bond, separate from the pink and green envelopes;

### A sealed *pink* envelope addressed to each General Contractor to whom the Filed Sub-bidder intends to bid, containing a complete bid form;

### A sealed *green* envelope addressed to the Bid Depository containing a copy of each bid, and a listing of any General Contractors intentionally omitted by the Subcontractor.

## Each Filed Sub-bid shall include only those sections or combined sections required by the Bid Documents, including all Addenda issued from the Architect's office more than 72 hours prior to Filed Sub-bid closing time.

## Filed Sub-bids that do not comply in materials, forms or content may be rejected by the Bid Depository or the Owner.

## Filed Sub-bids may be delivered or mailed to the Bid Depository. Filed Sub-bidders assume the risk of delivery by any method.

## Filed Sub-bidders may bid any amount to any General Contractor.

## Filed Sub-bidders may bid to any or all General Contractors.

## General Contractors may select any valid Filed Sub-bid, regardless of relative cost.

## General Contractors may use their own forces or a subsidiary company for one or more complete trade sections. The General Contractor is required to submit the Filed Sub-bid as any Filed Sub-bidder would, according to the instruction of this section regarding the Bid Depository, even if bidding only to their own company. Such a bid shall include a statement of the General Contractor's qualifications to perform the work (such as names, relevant certifications and licenses, experience and references of key personnel, and a list of equipment, as appropriate), inserted in the *green* envelope. The Owner shall determine the validity of those stated qualifications and may require further documentation.

## General Contractors intending to use their own forces or a subsidiary company shall notify the Bid Depository. The General Contractor is also advised to notify Subcontractors of their intent to submit Filed Sub-bids to clarify the expectations concerning the General Contractor receiving Filed Sub-bids.

## Filed Sub-bids may be modified by bidders prior to the Filed Sub-bid closing time. Such written amendments shall not disclose the amount of the initial Filed Sub-bid. If so disclosed, the entire Filed Sub-bid will be declared void.

## Filed Sub-bidders acknowledge all Addenda issued in a timely manner as a consequence of submitting the bid form. The Architect shall not issue Addenda affecting Filed Sub-bid trades less than 72 hours prior to the Filed Sub-bid closing time. Addenda will be issued to all companies who are registered holders of Bid Documents.

## Filed Sub-bidders shall include a Bid Bond with each bid form submitted to a General Contractor. The bond value shall be 5% of the bid amount. The form of bond is shown in section 00 43 16.

## Filed Sub-bidders shall include the cost of Performance and Payment Bonds in the bid amount. If selected by a selected General Contractor, the Filed Sub-bidder shall provide these bonds before a contract will be executed. The form of bonds are shown in section 00 61 13.23 and 00 61 13.26.

## In the event a Filed Sub-bidder has failed to bid to a General Contractor as intended, the Filed Sub-bidder shall take the following actions:

### Notify the Bid Depository in writing, not later than 24 hours prior to the closing date for General Contractors, in this manner: *"<name of Filed Sub-bidder> now intends to, but previously did not bid to <name of subject General Contractor> on the <name of project>. Please consider our bid addressed to <name of another General Contractor> as if it were also submitted to <name of subject General Contractor>."*

### Notify the subject General Contractor of the situation, in writing.

## Filed Sub-bids may be withdrawn without penalty if documented in writing by bidders prior to the Filed Sub-bid closing time. Such written withdrawals are subject to whatever verification is required by the Bid Depository. After the Filed Sub-bid closing time, no such request will be considered until after the General Contractor closing time.

# Receiving Filed Sub-bids

## The Bid Depository will provide a receipt, when requested, for each large white envelope submitted.

## The Bid Depository date-and-time-stamps each large white envelope, and collects all such envelopes for the project.

## Filed Sub-bids received by the Bid Depository after the designated closing date and time shall be date-and-time-stamped and returned, unopened.

## The large *white* envelopes containing Filed Sub-bids are opened in the presence of any interested party immediately after the closing time by an official representative of the Bid Depository. The Bid Depository creates a log of all submissions, noting bid bonds, if required, and prepares distribution of Filed Sub-bids to General Contractors and Owners.

## The *pink* envelopes are picked up by the General Contractor. The Bid Depository may require the General Contractor to sign acknowledgement of receipt of the envelopes. The Bid Depository may mail envelopes to the General Contractor upon request, at the risk and expense of the General Contractor.

## In a similar fashion to the above, the *green* envelopes are transmitted to the Owner. Bonds, if required, are also transmitted to the Owner.

# General Contractor Bids Containing Filed Sub-bids

## Each bidding General Contractor shall submit a bid form containing the information received from Filed Sub-bidders. If a GC bid contains a dollar amount different from that filed by a Filed Sub-bidder, the bid amount filed shall be substituted for the amount submitted by the General Contractor. The General Contractor bid shall be corrected prior to the selection of a General Contractor.

## In the event the Owner determines that a General Contractor bid includes an invalid Filed Sub-bid, the Owner may substitute a valid apparent low dollar amount Filed Sub-bid submitted to that General Contractor. Any action such as this would not be done until after the General Contractor bid closing.

## The Owner may request substitution of a Filed Sub-bidder that has submitted a lower bid to the General Contractor than the Filed Sub-bidder designated by the General Contractor on their bid form. This, or other circumstances where the Owner requests a change in Filed Sub-bidder, is subject to the agreement of General Contractor and Filed Sub-bidder.